

ANN BAVENDER  
ANNE GOODWIN CRUMP  
VINCENT J. CURTIS, JR.  
RICHARD J. ESTEVEZ  
PAUL J. FELDMAN  
ERIC FISHMAN  
RICHARD HILDRETH  
FRANK R. JAZZO  
ANDREW S. KERSTING  
EUGENE M. LAWSON, JR.  
HARRY C. MARTIN  
GEORGE PETRUTSAS  
LEONARD H. RAISH  
JAMES P. RILEY  
KATHLEEN VICTORY  
HOWARD M. WEISS  
NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ARLINGTON, VIRGINIA 22209-3801

(703) 812-0400

TELECOPIER

(703) 812-0486

INTERNET

office@fhh-tel.com;law.com

FRANK U. FLETCHER  
(1939-1985)  
ROBERT L. HEALD  
(1956-1983)  
PAUL D. P. SPEARMAN  
(1936-1962)  
FRANK ROBERSON  
(1936-1961)  
RUSSELL ROWELL  
(1948-1977)

RETIRED  
EDWARD F. KENEHAN

CONSULTANT FOR INTERNATIONAL AND  
INTERGOVERNMENTAL AFFAIRS  
SHELDON J. KRYSS  
U. S. AMBASSADOR (R)

OF COUNSEL  
EDWARD A. CAINE  
MITCHELL LAZARUS  
EDWARD S. O'NEILL  
JOHN JOSEPH SMITH

WRITER'S BUREAU

0429

April 27 1998

**VIA HAND DELIVERY**

Magalie Salas, Esquire

Secretary

Federal Communications Commission

1919 M Street, N.W. - Room 222

Washington, D.C. 20554

Re: Amendment of Part 73 of the  
Rules and Regulations to  
Establish Event Broadcast  
Stations. RM-9246


Dear Ms. Salas:

Transmitted herewith for filing are an original and five (5) copies of the Comments on Inner Ear Communications, Inc. on the above-referenced petition for rulemaking. That petition was given public notice on March 18, 1998. Report No 2264 That public notice established April 27, 1998 as filing date for comments.

Please communicate with us if you need further information.

Very truly yours,

FLETCHER, HEALD & HILDRETH, PLC

  
George Petrutsas  
Counsel for  
Inner Ear Communications, Inc.

GP:cej

Enclosures

cc: See Certificate of Service

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BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

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In the Matter of )  
 )  
Amendment of Part 73 ) RM No. 9246  
of the Rules and Regulations )  
to Establish Event Broadcast )  
Stations )

**COMMENTS OF  
INNER EAR COMMUNICATIONS**

Inner Ear Communications ("Inner Ear"), by counsel, submits its comments on the above-referenced petition. The petition proposes amendment of the Commission's Rules to authorize so-called "event" broadcast stations on either AM or FM broadcast frequencies. The petitioner also requests a "pioneer's preference" so as to be awarded a license for such stations. Inner Ear submits that, while the service contemplated by petitioner is meritorious, such service should not be accommodated in the broadcast bands. In any event, the pioneer preference request has no merit and should be denied.<sup>1</sup>

Petitioner (originally, Web Sports Net, Inc., which was later replaced by Gregory D. Deieso as the Petitioner) proposes amendment of Part 73 of the

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<sup>1</sup>The Commission's pioneer preference program has been discontinued and, therefore, the preference the petitioner requests is no longer available. See, Dismissal of All Pending Pioneer's Preference Requests, 12 FCC Rcd 14006 (1997). See also, Memorandum Opinion and Order, ET Docket No. 93-266 et al, FCC 98-71, Released April 23, 1998.

Commission's Rules to provide for authorizing relatively low power broadcast stations to operate for short periods of time at unspecified locations nationwide for the purpose of providing local coverage of sporting and other events to the audience present in that event. Petitioner contemplates that the Commission would issue licenses for nationwide operations and would require prior frequency coordination as the means for avoiding interference to full-service broadcast stations and to other "event" broadcast stations.

The proposed service is neither original nor unique. There have been innumerable efforts in the past to initiate services similar to that proposed by petitioner. However, none of them have been successful in the broadcast service primarily because of the potential for interference in the crowded broadcast spectrum. As the petitioner recognizes, the Commission in MM Docket 88-140 declined to authorize program origination by FM translators primarily because of the interference issue. Although Petitioner has proposed "coordination" as the means for avoiding interference, he has proposed no interference protection standards, coordination procedures, or described what would constitute adequate coordination, etc. In short, the petitioner has not demonstrated that the proposed "event" stations can indeed operate in the broadcast band without introducing unacceptable interference problems. Petitioner refers to the possible use of the frequency 87.9 MHz (FM Channel 200) by event broadcast stations but recognizes that even operation on that channel would raise interference problems with the reception of Channel 6 TV

broadcast stations. In sum, petitioner has not shown that its proposal is technically feasible.


Inner Ear has been developing and has operated under experimental licenses a facility for providing play-by-play commentary at public gatherings, such as sports events, including the 1994 Summer Olympic Games in Atlanta, primarily on non-broadcast frequencies. Therefore, there is nothing unique or "pioneering" in the instant petition. Inner Ear has been testing its system primarily on the low power frequencies in the 72-76 MHz band and has been developing a low cost receiver tuned to those frequencies. Thus, under Inner Ear's approach, the potential for causing interference to the reception of broadcast programming is avoided. Moreover, because the frequencies utilized by Inner Ear are utilized only for low power operations, their shared use is quite feasible. Inner Ear continues to develop the service and from time-to-time tests and demonstrates its system at actual sports events.

In sum, the petition proposes nothing new, unique, or unusual. Moreover, since petitioner has not demonstrated that the proposed service can be

accommodated in the broadcast bands without interference, Inner Ear submits that the petition should be denied.

Respectfully submitted,

INNER EAR COMMUNICATIONS, INC.

By:   
Richard Hildreth  
George Petrutsas

Its attorney

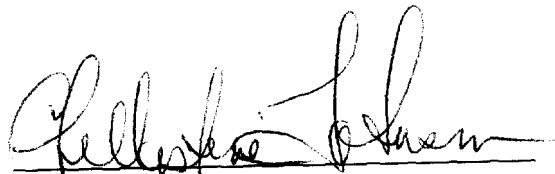
FLETCHER, HEALD & HILDRETH, P.L.C.  
1300 North 17th Street  
11th Floor  
Arlington, VA 22209  
(703) 812-0400

Dated: April 27, 1998  
cej/gp/gp#7/innerear.petition

**CERTIFICATE OF SERVICE**

I, Chellestine Johnson, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that a copy of the foregoing Comments of Inner Ear Communications was sent this 27th day of April, 1998, by first-class United States mail, postage prepaid, to:

Harold K. McCombs, Jr., Esquire  
Duncan, Weinberg, Miller & Pembroke, P.C.  
1615 M Street, N.W.  
Suite 800  
Washington, D.C. 20036-3203



Chellestine Johnson